



CONTAINS CONFIDENTIAL BUSINESS INFORMATION NOT SUBJECT TO DISCLOSURE UNDER FOIA

May 7, 2021

By Electronic Mail

Thomas Carroll
Acting Director
Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Mail Code: 2201A
Washington, DC 20460

Re: May Update to Response to April 24, 2020 Letter from the U.S. Environmental Protection Agency

Dear Mr. Carroll:

Birla Carbon USA, Inc. (“Birla” or the “Company”) submits this letter as the twelfth update to its May 22, 2020 response to the April 24, 2020 letter it received from the U.S. Environmental Protection Agency (“EPA” or the “Agency”) regarding force majeure notices the Company submitted on March 16 and 18, 2020 in anticipated noncompliance with obligations under the Consent Decree between the United States of America, the Louisiana Department of Environmental Quality (“LDEQ”), the Kansas Department of Health and Environment (“KDHE”), and Columbian Chemicals Company. Consent Decree, *United States et al. v. Columbian Chem. Co.*, No. 6:17-cv-01661-RGJ-CBW (W.D. La. June 11, 2018).

Please note that this letter and certain attachments to this letter include confidential business information (“CBI”) and are marked as such. Documents marked for CBI are entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B, and are not subject to disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. We ask that LDEQ and KDHE similarly treat this as CBI under their analogous state laws.¹

¹ Certain attachments to this letter include CBI, which Birla has designated as such with the stamp “CONFIDENTIAL BUSINESS INFORMATION NOT SUBJECT TO DISCLOSURE UNDER FOIA.” Based on a review of relevant LDEQ regulations, La. Admin. Code tit. 33, pt. I, § 501(A), Birla understands that it must submit any CBI via mail or delivery to

Birla Carbon USA, Inc.

1800 West Oak Commons Court, Marietta, Georgia 30062-2253
T: (770)792-9400 | F: (770)792-9328 | W: www.birlacarbon.com

I. North Bend

Since our last update, construction was ongoing at North Bend for installation of equipment required under the Consent Decree.

Birla's vendor, [REDACTED], continues to estimate a two to four month delay for various components of the scrubber system due to lack of access to manufacturing facilities in connection with poor weather conditions and COVID-19 restrictions in India. *See Confidential Attachments 1 and 2.* However, recent lockdowns in India due to the large spike in COVID-19 cases has led the scrubber system contractor to cease all manufacturing activity through May 2, 2021. *See Confidential Attachment 2.* While delivery of the scrubber system was previously estimated for August 2021, now, due to the recent lockdowns in India, this schedule will likely change. We will update you when we learn more. While Birla is still hoping for installation date in late November to early December 2021, we will endeavor to provide a more specific estimate in the near future. Lastly, the SCR equipment and ductwork is expected to be delivered by May 26, 2021, a seven-week delay over the original delivery date of April 1, 2021. *See Confidential Attachment 3.*

The heat recovery steam generation ("HRSG") boiler was delayed nearly two months from the original delivery date. *See Confidential Attachment 1.* Delivery was made on March 4, 2021, and the equipment is currently being moved into place.

A [REDACTED] had to be sourced from a new vendor, [REDACTED], following [REDACTED] notification that due to the death of its company principal and COVID-19 related issues, it would not be able to complete its contract and deliver the intake pump priming system due for delivery on April 1, 2021. *See Confidential Attachment 1.* [REDACTED] will deliver the [REDACTED] in June 2021, a nearly two-month delay over the original delivery date of April 1, 2021. *See Confidential Attachment 1.*

The final commissioning is anticipated to take place sometime in December 2021 with the Continuous Emissions Monitoring System ("CEMS") being certified around December 10, 2021.

II. Hickok

Construction is ongoing at Hickok for installation of equipment required under the Consent Decree. On February 24, 2021, the RATA Test was submitted to KDHE. The Company is continuing with commissioning work on the new system. The site's air quality construction permit from KDHE began its 30-day public notice period on April 22, 2021, and will end on May 24, 2021. Moreover, KDHE informed Birla that the 2019 authorization and Class 1 operating permit will allow the facility to operate once the air quality construction permit is issued and commissioning is complete without the need to modify the operating permit.

LDEQ and not electronically. At this time, Birla is providing the entire submittal to EPA and KDHE, and will separately submit the letter and its attachments to LDEQ.

The reactor vent scrubbers were received at Hickok on April 23, 2021. *See* Attachment 6. Installation of the reactor vent scrubbers is expected to be complete by May 14, 2021, and commission is expected to be completed approximately one week later on May 21, 2021. However, the critical valves for the reactor vent scrubber system have failed and are not functioning as designed. Continuous operations will be delayed until the critical valves are functioning, which we are currently estimating up to a two-week delay. *See* Confidential Attachment 5. We will monitor the situation and provide an update as we learn more.

As discussed in Confidential Attachment 4, during commissioning operations on Incinerator Train #1, on February 8, 2021, it was discovered that the primary boiler feed water pump had failed. Investigation showed that shortly thereafter the second pump also failed, due to a defect in the product when delivered that was not visible upon observation, beyond the control of Birla. During this time, hot gases from the incinerator continued to flow to and through the HRSG even though there was no water flow. This resulted in significant damage to the HRSG. The remediation work, which included boiler tube repairs, was completed on April 16, 2021, and the units have been restarted to continue the commissioning process. Additionally, Hickok's CEMS has been experiencing a daily trip issue due to the buildup of excessive moisture from the site's tail gas stream. The EPC contractor and vendor are working to resolve the issue as quickly as possible.²

Assuming there are no further delays, Birla anticipates Hickok meeting its Consent Decree obligations for this plant by June 12, 2021.

We will update you with more details as they become available. Please contact David Buente at 202-255-8684 or dbuente@sidley.com if you have any questions in the meantime.

Sincerely,



Randy Waskul
Global Director, Health, Safety & Environmental

CC: Kellie Ortega, U.S. EPA (by email)
Patrick Foley, U.S. EPA (by email)
Chris Williams, U.S. EPA (by email)
Carlos Evans, U.S. EPA Region 6 (by email)
Emad Shahin, U.S. EPA Region 6 (by email)
Lisa Gotto, U.S. EPA Region 7 (by email)
Lisa Hanlon, U.S. EPA Region 7 (by email)
Amy Algoe-Eakin, U.S. EPA Region 7 (by email)

² We assume this satisfies our notification requirements under Paragraph 56, which requires Birla to notify the Agencies of anything that could potentially cause a violation of the Consent Decree. Please let us know if further details or additional notification is required.

Alex Chen, U.S. EPA Region 7 (by email)
Thomas Mariani, U.S. DOJ (by email)
Eli Quinn, U.S. DOJ (by email)
Connie Ellis, KDHE (by email)
Kate Gleeson, KDHE (by email)
Deidre Johnson, LDEQ (by FedEx)
David Buente, Sidley Austin LLP (by email)
Peter Whitfield, Sidley Austin LLP (by email)

Enclosures: Confidential Attachment 1 - 2021-04-30 - North Bend - Letter from Engineer of Record

Confidential Attachment 2 - 2021-04-26 - North Bend - Email Correspondence with
Scrubber System Contractor

Confidential Attachment 3 - 2021-05-05 – North Bend – Excel Spreadsheet from
Scrubber System Vendor

Confidential Attachment 4 - 2021-04-29 - Hickok - Worley COVID-19 Impact Schedule
Analysis

Confidential Attachment 5 - 2021-04-27 - Hickok - Email Correspondence with Project
Manager

Attachment 6 - Hickok - Photo of Reactor Vent Scrubber in Place

CONFIDENTIAL ATTACHMENT 1

2021-04-30 - North Bend -
Letter from Engineer of Record

Attn: Mark B. Vannice, PE, Project Director
Birla Carbon USA, Inc.
Regional Office Marietta
1800 West Oak Commons Ct
Marietta, GA 30062

Letter: BC-013

Re: Purchase Order No. 2300002188; Notice of Force Majeure Event Update – Status as of April 30th, 2021

Dear Mr. Vannice:

Reference is made the above Purchase Order and the Professional Services Terms and Conditions (Agreement) and Letters BC-001 dated May 13th, 2020 and BC-002 dated June 17th, 2020. Terms not otherwise defined herein shall have the meaning assigned to them in the Agreement.

In accordance with Article 12(a) of the Agreement Engineer is providing Owner an update to the Force Majeure Event notice of May 13th, 2020. The Force Majeure Event is primarily the domino effect of uncontrolled delays and disruption of the global supply chain the Owner is experiencing from its Vendors supplying material and equipment to the Facility project; and secondarily the potential delay caused by disruptions in the available services to, and mobility of, Engineers' staff. The delays and disruptions to the supply chain as we are informed by notices from the Vendors to you are caused by impacts of the COVID-19 epidemic on the manufacture of materials and equipment. These delays are outside the control and without the fault of Engineer. To the extent these delays experienced by the Vendors affects the timely delivery of our Work that depends on inputs of information and ultimately delivery to the Facility in accordance with the Schedule, we are, or likely will be, seeking extensions on the Schedule for a time reasonably necessary to overcome the effect of the delay and additional compensation as appropriate. We are to the extent possible undertaking reasonable measures to make up for time lost caused by the delay and assisting Owner, to the extent possible, mitigating Vendor impacts.

April 30th, 2021
Mr. Mark Vannice
Page 2

As of April 30th, we are informed by Owner's Vendor [REDACTED] that they are incurring delays of anywhere from two (2) to four (4) months for various components of the AQCS due to the lack of access to manufacturing facilities in connection with the restrictions related to the COVID-19 virus. Additionally, the absorber manufacturer contracted by [REDACTED], has issued [REDACTED] a Force Majeure claim as of March 2nd, claiming a two week delay due to the extreme cold weather event in February and Covid impacts. [REDACTED] and Birla are working to mitigate this latest delay in the absorber delivery through prefabrication to reduce field time. This effort is ongoing, and the result is not yet certain.

In addition, Owner's Vendor [REDACTED] delayed their hydrotest dates until January 18th and 29th, 2021, causing a delay of the delivery of the HRSG until March 3rd. This was over two months past the original delivery date.

A new priming system skid has been sourced after the original vendor backed out of their contract due to the death of the company Principal and Covid 19 impacts. The new vendor, [REDACTED], will deliver the skid in June of 2021, an approximate slip of more than two months over the original delivery date of April 1st.

Additionally, the entire North Bend plant was evacuated the week of August 24th, 2020 due to two named storms, Hurricane Laura and Tropical Storm Marco.

Also, the entire North Bend facility was evacuated again October 8th – 11th, 2020 for Hurricane Delta. This evacuation had initially delayed the piling contractor [REDACTED] and they had issued a Force Majeure notice for this event. The piling is now complete and this has been incorporated into the current schedule.

The latest extreme weather event to impact the project were the record cold in February. The site was closed Feb 15th – 17th due to local roads being closed restricting access to the site. Additionally we did close the site a few days in April due to lightning, but contractors worked Saturdays to mitigate.

These potential delays by the Vendors and the weather-related evacuations and closures of the site translates to a corresponding delay affecting the Engineer's Schedule that is also outside the control and without fault of Engineer. Engineer is taking every effort to overcome or mitigate the potential delays and will keep you informed as further information becomes available, so that we can work together cooperatively to address any problems that may arise on your Facility project.

After incorporating all the known FM delays and impacts into the project schedule, the completion date for the project is currently November 22nd, 2021. This is a total delay of just over 7 weeks from the original schedule target date of October 1st, 2021.

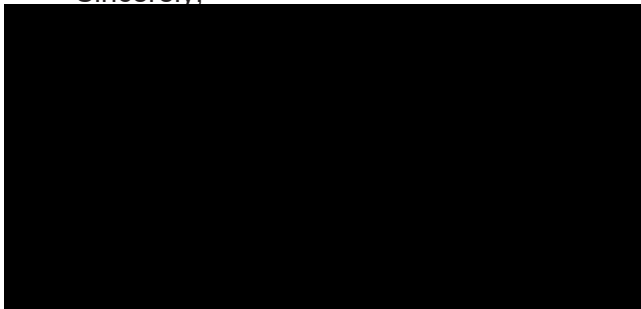
April 30th, 2021
Mr. Mark Vannice
Page 3



We continue to monitor the situation and will keep the Owner apprised of additional delays when they are discovered.

Please feel free to contact me at [REDACTED] if you have any questions.

Sincerely,



cc: Randy Waskul, Birla
Nick Johnson, SLCI
David Lund, SLCI

CONFIDENTIAL ATTACHMENT 2

2021-04-26 - North Bend -
Email Correspondence with Scrubber System Contractor

Braddock, Allen S.

From: Vannice, Mark <Mark.Vannice@adityabirla.com>
Sent: Tuesday, April 27, 2021 5:41 AM
To: Waskul, Randy
Subject: FW: COVID-19

Follow Up Flag: Follow up
Flag Status: Flagged

Fyi below

Vent scrubber is in lock down

Mark B. Vannice, PE
Project Director
North America Region, Aditya Birla Group



Birla Carbon

T: 770-792-9531 (D) | **W:** www.birlacarbon.com
C: 610-858-7633 | **E:** mark.vannice@adityabirla.com

From: [REDACTED]
Sent: Tuesday, April 27, 2021 4:43 AM
To: Vannice, Mark <Mark.Vannice@adityabirla.com>
Cc: Smith, Tom <Tom.Smith@adityabirla.com>; Raina, Viney <viney.raina@adityabirla.com>; [REDACTED]
Subject: Re: COVID-19

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir,

We are all safe & hope all of you & your families too are safe and healthy.

Good to know the consignment reached site.

Unfortunately we have lock-down here in our state of Maharashtra since 15th April till 2nd May 2021 due to sudden increase of Covid-19 positive cases. We are presently working with very limited resources/manpower.

We will keep you updated.

Regards [REDACTED]

On 2021-04-26 16:17, Vannice, Mark wrote:

[REDACTED]
I hope that your family is safe and well

Can you please provide me all impacts, if any, due to COVID-19.

The Vent Scrubber finally reached the Hickok, KS site on Friday. I will keep you updated on the installation process.

Thank you in advance

Mark

Mark B. Vannice, PE
Project Director
North America Region, Aditya Birla Group

[[cid:image001.png@01D73A68.0663C2D0](#)]

Birla Carbon

T: 770-792-9531 (D) | W: www.birlacarbon.com<<http://www.birlacarbon.com/>>

C: 610-858-7633 | E: mark.vannice@adityabirla.com

CONFIDENTIAL ATTACHMENT 3

2021-05-05 – North Bend -
Excel Spreadsheet from Scrubber System Vendor

<div> <div></div> Schedule </div>	Original Final Load Delivery Date	Current Final Load Delivery Date	Remarks
Absorber	3/1/2021	5/17/2021	The Absorber was originally designed to be shipped to the site by truck in (8) pieces. To accelerate the schedule, Birla paid a premium to the fabricator to assemble in (1) piece, then the Absorber will be shipped by Barge to the site, shipping fees are approx \$300,000
Absorber Stack	5/31/2021	5/21/2021	
SCR 1 & Ductwork	4/1/2021	5/25/2021	SCR #1 is shipping in pieces over a (5) week Period
SCR 2 & Ductwork	4/1/2021	5/26/2021	SCR #2 is shipping in pieces over a (4) week Period
Absorber Platform Steel	4/1/2021	5/14/2021	
Stair Tower	5/3/2021	5/14/2021	
Reagent/Trona Silo	5/3/2021	5/25/2021	

CONFIDENTIAL ATTACHMENT 4

2021-04-29 - Hickok -
Worley COVID-19 Impact Schedule Analysis

Hickok Air Quality Control Upgrade Project

Force Majeure Project Schedule Impact Analysis

Prepared for Birla Carbon USA
April 29, 2021



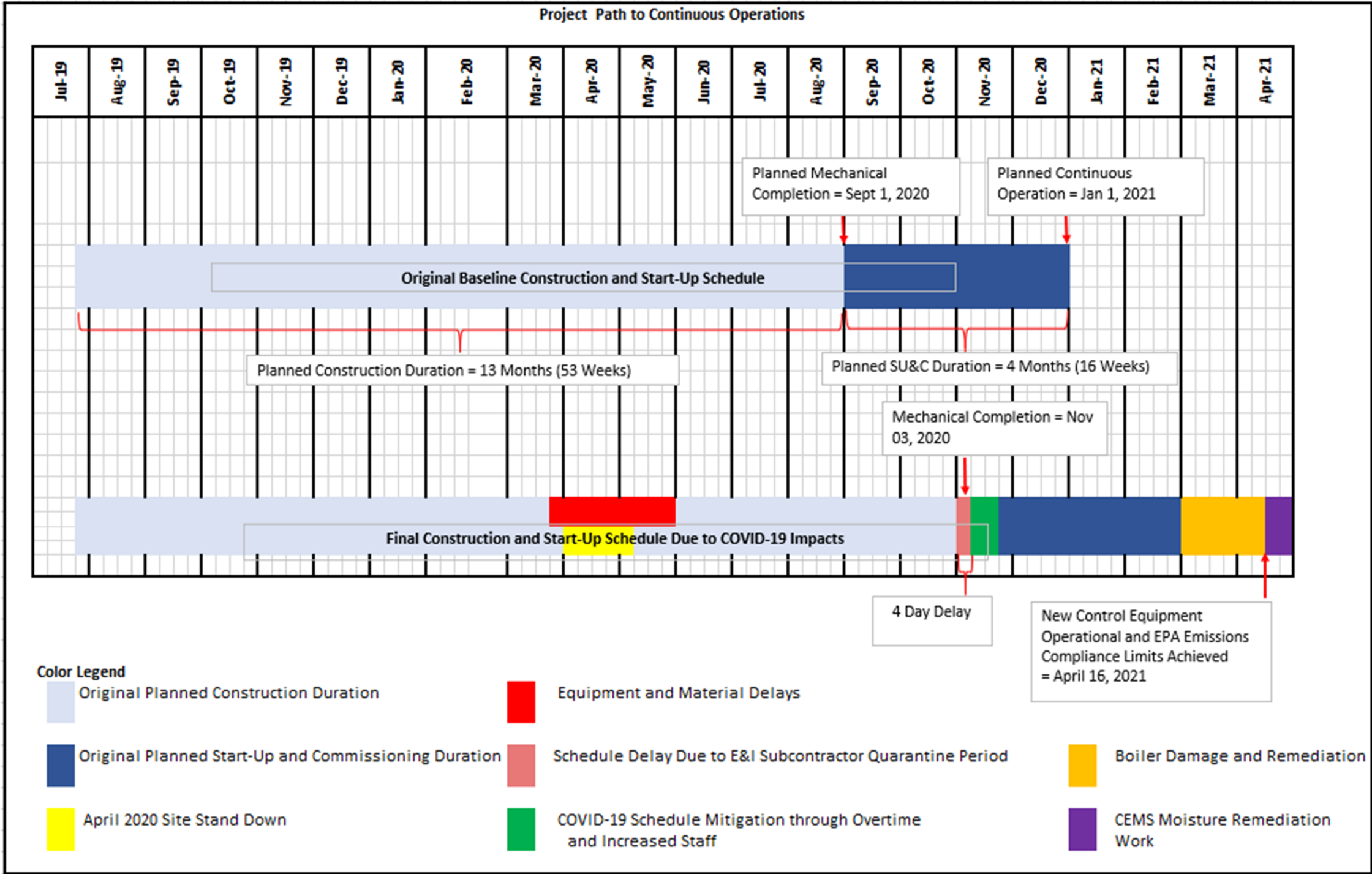
Force Majeure Impact Summary

Purpose: To identify the effects of the COVID-19 Global Pandemic Force Majeure **AND other Force Majeure events on the Birla Carbon Hickok Project.**

- Project was initially planned to achieve the Compliance Date of 01/01/2021.
- COVID-19 Global Pandemic directly delayed delivery of critical equipment/material during the equipment installation period and at the start of the bulk pipe installation period with a direct negative impact on schedule critical path.
- Vendors began to notify Worley of known delays in March 2020
- The equipment and material delays caused a 45 day delay to the project construction schedule.
- Subsequently the COVID-19 Global Pandemic caused other schedule delays on the project.
 - COVID-19 HSE Site Work Restrictions
 - COVID-19 Quarantine of E&I Subcontractor Delay Impact
- There were no Covid-19 related schedule impacts experienced during April 2021.
- The project's new Waste Heat Recovery Boiler was damaged during equipment start-up in the month of February 2021. Boiler remediation work involved the replacement of all 2nd and 3rd pass internal tubes which were irreparably damaged during the incident. The event which led to the boiler damage was unforeseeable and beyond the reasonable control of the Project.
- The boiler remediation work, and subsequent testing, was completed on April 14, 2021.
- The project's new emissions Control Technology was fully operational as of April 16, 2021 achieving stack emissions within EPA Consent Decree emissions limits.
- The plant's new Continuous Emissions Monitoring System (CEMS) has been experiencing a daily trip due to the buildup of excessive moisture from the Carbon Black plant's tail gas stream. An initiative is underway to remediate this excessive moisture through upsizing of the CEMS condensate handling system. A service technician is mobilizing to site on April 29, 2021 to install the supplemental components.



Schedule Impact Overview



Material and Equipment Delays

Activity Name	Pre-Covid DD: March 27, 2020 Finish Date	Post-Covid DD: May 08, 2020 Finish Date	Actual Delivery DD: Nov 13, 2020 Finish Date	Variance from Baseline	Craft
- Ductwork (Combustion Air)	17-Apr-20	5-May-20	May 5, 2020	18	Boiler Makers
- Misc. Loose Ship Items	17-Apr-20	19-May-20	May 22, 2020	35	Boiler Makers
- Ductwork (Tail Gas)	17-Apr-20	21-May-20	May 26, 2020	39	Boiler Makers
- Pipe Skids	10-Apr-20	18-May-20	May 22, 2020	42	Boiler Makers
- Pilot Air Line	17-Apr-20	21-May-20	June 1, 2020	45	Boiler Makers
- Ductwork (Boiler)	17-Apr-20	21-May-20	June 1, 2020	45	Boiler Makers
- Ductwork	17-Apr-20	8-May-20	June 1, 2020	45	Boiler Makers
- Expansion Joints	17-Apr-20	27-May-20	June 4, 2020	48	Boiler Makers
DELIVERY: WORLEY - Pipe Supports (Atomizer Cooling Air Piping)	27-Apr-20	18-May-20	May 13, 2020	16	Piping
DELIVERY: WORLEY - Damper Valves	19-Jun-20	24-Jun-20	July 8, 2020	19	Piping
DELIVERY: WORLEY - PCV Valve	19-Jun-20	24-Jun-20	July 8, 2020	19	Piping
DELIVERY: WORLEY - Pipe Supports (Duct)	15-Apr-20	15-May-20	May 13, 2020	28	Piping
DELIVERY: WORLEY - Pipe Supports Del. Complete (Small & Large Bore Piping)	20-Apr-20	15-May-20	May 20, 2020	30	Piping

**Critical path activities (Less than 5 days Schedule Float) highlighted in yellow*

Equipment Supplier Delay Notifications

Item	Supplier/Location	Supplier COVID-19 Impact Notification Date	Original Planned Delivery Date	COVID-19 Delayed Delivery Date (Actual)
Fuel Skids	[REDACTED]	March 20, 2020	April 10, 2020	Arrived at site on May 26, 2020
BMS Panels	[REDACTED]	March 20, 2020	March 23, 2020	Shipped to downstream integrator on April 23, 2020. Arrived at site with PDC in late June 2020.
36" Pressure Control Valve	[REDACTED]	March 18, 2020	June 16, 2020	Valves and air tanks arrived at site on July 08, 2020
36" On/Off Dampers	[REDACTED]	March 18, 2020	June 16, 2020	Valves and air tanks arrived at site on July 08, 2020
[REDACTED] Flow Elements / Dampers / Control Valves / Incinerator Mounted Instrumentation	[REDACTED]	March 20, 2020	April 17, 2020	Arrived at site on May 22, 2020

Material Supplier Delay Notifications

Item	Supplier/Location	Supplier COVID-19 Impact Notification Date	Original Planned Delivery Date	COVID-19 Delayed Delivery Date (Actual)
Pipe Supports and Hangers	[REDACTED]	March 30, 2020	April 20, 2020	All supports received on site by May 20, 2020
Combustion Air Ductwork	[REDACTED]	March 20, 2020	April 17, 2020	All received on site May 4, 2020.
Tail Gas Ductwork	[REDACTED]	March 20, 2020	April 17, 2020	Delivered to site on June 01, 2020
WHRU (Boiler) Inlet Ductwork	[REDACTED]	March 20, 2020	April 17, 2020	Delivered to site on June 01, 2020

Analysis of Construction Schedule Delay Due to COVID-19 HSE Work Restrictions

	Pre-Covid-19 Schedule			Actualized Schedule with Current Progress				
Activity Description				Duration (Days) Less Site Stand				
	Duration (Days)	Start Date	Finish Date	Duration (Days)	Down	Duration Variance from Baseline	Start Date	Finish Date
	Schedule Data Date: March 27, 2020			Schedule Data Date: November 13, 2020				
Utility Bridge								
Ductwork	28	May 28, 2020	July 7, 2020	48	48	20	May 7, 2020	September 10, 2020
Electrical	33	May 26, 2020	July 10, 2020	70	70	37	June 25, 2020	October 8, 2020
Piping	26	April 21, 2020	May 27, 2020	45	45	19	May 4, 2020	July 2, 2020
Incinerator Train North								
Ductwork	40	March 18, 2020	May 21, 2020	80	55	15	March 18, 2020	August 26, 2020
Electrical	58	May 26, 2020	August 14, 2020	92	92	34	June 5, 2020	October 15, 2020
Piping	21	June 10, 2020	July 13, 2020	39	39	18	June 4, 2020	July 24, 2020
Incinerator Train South								
Ductwork	37	April 13, 2020	June 3, 2020	58	58	21	May 5, 2020	August 7, 2020
Electrical	58	May 26, 2020	August 14, 2020	90	90	32	June 5, 2020	October 7, 2020
Piping	20	June 25, 2020	July 23, 2020	20	20	0	July 10, 2020	August 3, 2020
ID Fan & Boiler Loop								
Ductwork	10	May 26, 2020	June 8, 2020	55	55	45	June 18, 2020	September 14, 2020
Electrical	60	May 26, 2020	August 18, 2020	75	75	15	August 5, 2020	November 17, 2020
Piping	32	June 5, 2020	July 22, 2020	58	58	26	June 8, 2020	August 27, 2020

Extended durations
demonstrate inherent
impact of COVID
Compliant Work
Restrictions



Analysis of Construction Schedule Delay Due to COVID-19 HSE Work Restrictions (Cont)

Construction Subcontractor [REDACTED] analysis of schedule duration impact due to new COVID-19 Compliant Work Rules

3.4 Impacted Schedule- Project Shutdown and Area Resource Leveling

Figure 3 represents the summary of impact to the March 27th data date schedule with the project shut down dates established in the schedule as well as resource leveling the schedule with maximum numbers of trades on the project site and area resource leveling. These two impact items result in a 10/30/2020 Mechanical Completion Date, an impact of (25) workdays due to project shut down and (18) workdays due to resource leveling and total of a (43) workday delay. Resource leveling now has a greater impact due to concurrent activities needing manpower in similar areas. With the limitations of manpower in these areas, activities had to be prioritized and some areas resulted in delays to the schedule.

This impact also represents the actual impact to the project and what had been presented since May 13th, 2020 as the resource leveled schedule DD 08-May-20 post project shutdown. Mechanical Completion was represented as 10/30/2020. The project has continued since that point and was reestablished as the requested Mechanical Completion Date in [REDACTED] Correspondence 19037-ACI-WP-007_Mechanical Completion Schedule Relief dated 08/04/2020. The attached Birla Carbon EPC_Leveled Schedule_DD 08-May-20 schedule layout represents the project's schedule upon return to work.

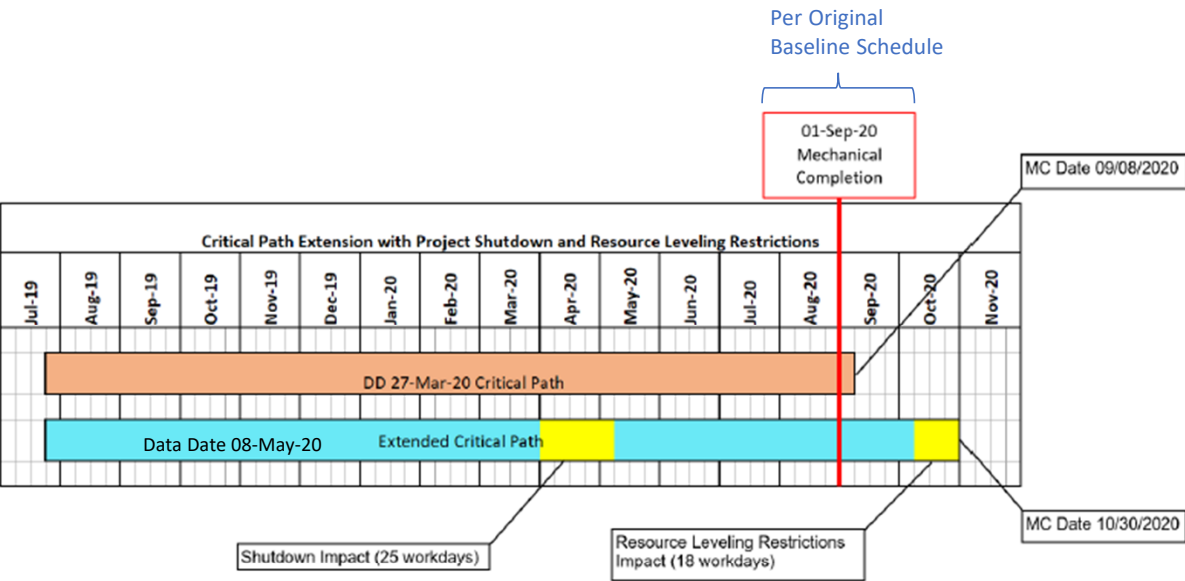


Figure 3 Summary Bar Chart Project Shutdown and Area Resource Leveling Restrictions

COVID-19 Quarantine of E&I Subcontractor Delay Impact

Expected Mechanical Completion as of September 18, 2020 (prior to 14 day quarantine)

Layout: In Progress and Remaining
Filter: TASK filters: Master Layout, Not

19037_72 - Birla Carbon EPC Construction Schedule Update DD 18-Sep-20 - Resource Levelled

ActivityID	ActivityName	Original Duration	% Complete	Start	Finish	Total Float	2020			
							Sep	Oct	Nov	
Birla Carbon EPC Construction Schedule Update DD 18		144		21-May-20 A	16-Dec-20	0				
Milestones		53		30-Sep-20	16-Dec-20	0				
Contractual Milestones		31		30-Oct-20	16-Dec-20	0				
M-3000	Milestone: Mechanical Completion	0	0%		30-Oct-20*	-42				△ Milestone: Mechanical Completion

Expected Mechanical Completion as of September 25, 2020 (Reflects planned additional manpower scheduled to help mitigate effect of 14 Day Quarantine of E&I Subcontractor)

Layout: In Progress and Remaining
Filter: TASK filters: Master Layout, Not

19037_73 - Birla Carbon EPC Construction Schedule Update DD 25-Sep-20 - Resource Levelled

ActivityID	ActivityName	Original Duration	% Complete	Start	Finish	Total Float	2020			
								Oct	Nov	D
Birla Carbon EPC Construction Schedule Update DD 25		144		21-May-20 A	16-Dec-20	0				
Milestones		62		18-Sep-20 A	16-Dec-20	0				
Contractual Milestones		24		10-Nov-20	16-Dec-20	0				
M-3000	Milestone: Mechanical Completion	0	0%		10-Nov-20*	-49				△ Milestone: Mechanical Completion

Expected Mechanical Completion as of October 30, 2020 (Reflects additional Sunday Overtime scheduled to further help mitigate 14 Day Quarantine of E&I Subcontractor)

Layout: In Progress and Remaining
Filter: TASK filters: Master Layout, Not

19037_79 - Birla Carbon EPC Construction Schedule Update DD 30-Oct-20 - Resource Levelled

ActivityID	ActivityName	Original Duration	% Complete	Start	Finish	Total Float	2020	
								Nov
Birla Carbon EPC Construction Schedule Update DD 30		66		25-Sep-20 A	30-Dec-20	0		
Milestones		40		30-Oct-20	30-Dec-20	0		
Contractual Milestones		38		03-Nov-20	30-Dec-20	0		
M-3000	Milestone: Mechanical Completion	0	0%		03-Nov-20*	-44		△ Milestone: Mechanical Completion

Schedule Summary

	Pre COVID-19 Baseline	Force Majeure Impact
Relative Data Date	27-Mar-20	27-Mar-20
March 27, 2020 Construction Duration to Complete (Days)	158	158
Material and Equipment Delay Impact	0	45
COVID-19 HSE Site Work Restrictions	0	18
COVID-19 Quarantine of E&I Subcontractor Delay Impact	0	14
Positive COVID-19 Mitigation Efforts	0	-14
Mechanical Completion	1-Sep-20	3-Nov-20
Commissioning Duration (Days)	122	122
Current Foreseen Commissioning Duration Improvement (Days)	0	0
Force Majeure Equipment Damage Remediation	0	41
Emissions Compliance Limits Achieved	1-Jan-21	16-Apr-21

CONFIDENTIAL ATTACHMENT 5

Hickok - 2021-04-27 -
Email Correspondence with Project Manager

From: Vannice, Mark <Mark.Vannice@adityabirla.com>
Sent: Wednesday, May 5, 2021 9:17 AM
To: Waskul, Randy <Randy.Waskul@adityabirla.com>
Subject: FW: Witness Testinag

Mark B. Vannice, PE
Project Director
North America Region, Aditya Birla Group



Birla Carbon

T: 770-792-9531 (D) | **W:** www.birlacarbon.com
C: 610-858-7633 | **E:** mark.vannice@adityabirla.com

From: Banuelos, Abel <Abel.Banuelos@adityabirla.com>
Sent: Wednesday, May 5, 2021 8:35 AM
To: Smith, Tom <Tom.Smith@adityabirla.com>; Vannice, Mark <Mark.Vannice@adityabirla.com>; McGaughey, Mark <Mark.McGaughey@adityabirla.com>; Marakana, Dhirajlal <Dhiraj.Marakana@adityabirla.com>
Subject: FW: Witness Testinag

All- Please read the latest on the valves below. This update was yesterday.

Thanks, Abel

From: [REDACTED]
Sent: Tuesday, May 4, 2021 8:42 AM
To: Banuelos, Abel <Abel.Banuelos@adityabirla.com>
Subject: RE: Witness Testinag

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Abel,

At this point we are still probably 2 weeks away at best from getting these valves to you Unfortunately a few of the valves failed witness testing and must be addressed, which will add time. I know this has been a mess, this has had the perfect storm of events out of our control.

Thanks,

[REDACTED]

[REDACTED]

▼ "Banuelos, Abel" ---04/28/2021 08:11:18 AM--- [REDACTED], One 18" valve and the 24" valve I need immediately. I don't know if that would help you, It wo

From: "Banuelos, Abel" <Abel.Banuelos@adityabirla.com>

To: [REDACTED]

Date: 04/28/2021 08:11 AM

Subject: RE: Witness Testinag

[REDACTED]

One 18" valve and the 24" valve I need immediately. I don't know if that would help you, It would help us a lot. The other 3 valves could be delivered 2 afterwords.

Abel

From: [REDACTED]

Sent: Tuesday, April 27, 2021 4:44 PM

To: Banuelos, Abel <Abel.Banuelos@adityabirla.com>

Subject: RE: Witness Testinag

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Will do.

I'm pushing hard to have these out ASAP. That being said, can you give me a date these have to be there by to avoid having to send contractors out and bring them back? I am doing everything I can to get these to you and avoid making this more difficult. I've raised this up the ladder with [REDACTED], so if I can say I need these by this date it will help.

Thanks,

▼ "Banuelos, Abel" ---04/27/2021 01:13:14 PM--- [REDACTED] Please pack and ship ASAP.

From: "Banuelos, Abel" <Abel.Banuelos@adityabirla.com>

To: [REDACTED]

Date: 04/27/2021 01:13 PM

Subject: RE: Witness Testinag

□

Thanks, Abel

From: [REDACTED]

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Abel,

We potentially are going to have these shipped by end of next week as witness testing is going on currently.

They are going to provide video of witness testing upon completion, and I will have it to you asap. That being said, do you want us to wait for your approval before shipping? Due to the delay in getting these to you I assume you would like these packed and shipped asap, but if you would like to approve the testing first let me know.

Thanks,

✓ "Banuelos, Abel" ---04/26/2021 08:41:54 AM---[REDACTED] I need an update on the valves. I am at a point if I don't receive the valves I will have to d

From: "Banuelos, Abel" <Abel.Banuelos@adityabirla.com>
To: [REDACTED]

□,

Abel

From: Banuelos, Abel
Sent: Tuesday, April 20, 2021 2:12 PM
To: [REDACTED]
Subject: RE: Witness Testinag

the recorded video will work.

From: [REDACTED]
Sent: Tuesday, April 20, 2021 1:42 PM
To: Banuelos, Abel <Abel.Banuelos@adityabirla.com>
Subject: Witness Testinag

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Abel,

One more clarification from VAAS. Do you need to see witness testing on a remote live feed, or can the video be recorded and sent to you?


thanks,

[REDACTED]

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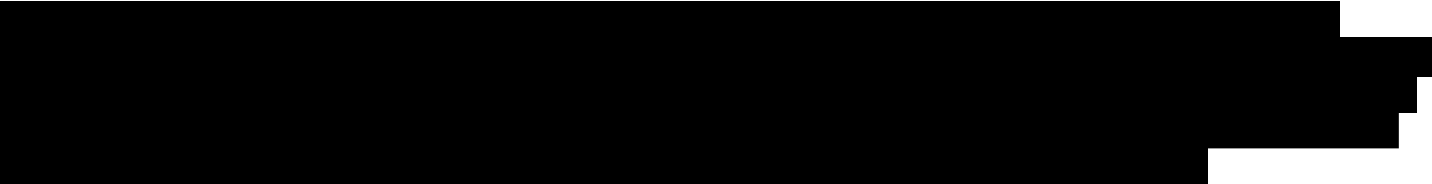
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[REDACTED]



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ATTACHMENT 6

Hickok -
Photo of Reactor Vent Scrubber in Place

